

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-THIRD LEGISLATURE

**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 24, 2016**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Lacey, absent and formally excused by the Chair; and Senators Bair, Buckner-Webb, Rice, and Ward-Engelking, absent and excused.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Anna Daley Laursen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Rice, Ward-Engelking, and Buckner-Webb were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 148

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE CONTRIBUTIONS AND ACCOMPLISHMENTS OF HECLA MINING COMPANY AND ITS EMPLOYEES AND CONGRATULATING HECLA MINING COMPANY ON ITS 125TH ANNIVERSARY.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Hecla Mining Company, headquartered in Coeur d'Alene, Idaho, is celebrating its 125th anniversary this year; and

WHEREAS, Hecla Mining Company was formed in October of 1891 and is Idaho's oldest publicly traded company; and

WHEREAS, the company was formed for the purposes of acquiring and trading mining claims in what was then North Idaho's newly discovered Silver Valley; and

WHEREAS, mining played an integral role in the settlement of the West and, in particular, North Idaho; and

WHEREAS, Hecla Mining Company has endured the Great Depression, two World Wars and extreme swings in metals prices; and

WHEREAS, today with four operating North American mines, a number of exploration properties and pre-development projects, Hecla Mining Company is the largest primary silver producer in the United States; and

WHEREAS, Hecla Mining Company is the oldest New York Stock Exchange listed precious metals mining company in all of North America; and

WHEREAS, Hecla Mining Company has advanced techniques that have improved mine worker safety, such as wireless technology, advanced seismic monitoring systems, low-emission diesel-powered equipment and implementation of risk-based management systems that have improved mine worker safety; and

WHEREAS, Hecla Mining Company has a deep connection with the communities in which it operates, providing over \$800 million to the North Idaho economy in just the last five years alone in wages, benefits, taxes and economic support of education, youth activities, community health and infrastructure; and

WHEREAS, Hecla Mining Company has just over 1,400 employees worldwide, with about 380 of them in North Idaho. Hecla Mining Company provides many of the highest-paying jobs in North Idaho; and

WHEREAS, Hecla Mining Company has a strong asset profile with assets including Greens Creek in Alaska, Lucky Friday in Mullan, Idaho, Casa Berardi in Quebec, San Sebastian in Mexico and Rock Creek in Montana; and

WHEREAS, Hecla Mining Company will continue to help supply the world's increasing consumer demand for goods that require silver, gold, zinc and lead, with silver being a key ingredient for solar voltaic cells, modern electronics and medical applications.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize the contributions and accomplishments of Hecla Mining Company and its employees, and congratulate Hecla Mining Company on its 125th anniversary.

SCR 149

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENDORSING THE NEED FOR A VETERANS CEMETERY IN EASTERN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho is the home to more than 132,000 veterans; and

WHEREAS, more than 30,000 veterans live in the Eastern Idaho catchment areas; and

WHEREAS, the nearest veterans cemetery to Eastern Idaho is the Idaho State Veterans Cemetery in Boise, Idaho, that is more than 200 miles driving distance; and

WHEREAS, although the Idaho State Veterans Cemetery in Boise is a beautiful resting place for Idaho veterans, due to its distance from Eastern Idaho and the population density of the region, the needs of Eastern Idaho veterans and their families are not met by the Idaho State Cemetery in Boise, Idaho; and

WHEREAS, pursuant to 38 CFR 39 the state is obligated to provide the land and pay for ongoing cemetery maintenance and operation of a state veterans cemetery; and

WHEREAS, pursuant to 38 CFR 39 the federal government shares this belief, and the Department of Veterans Affairs' State Cemetery Grants Service pays 100% of architectural and engineering costs, to include planning, construction, and equipment, for the development of a state veterans cemetery; and

WHEREAS, pursuant to 38 CFR 39 the state is obligated to provide 10% architectural and engineering matching funds necessary to qualify for federal funding; and

WHEREAS, pursuant to 38 CFR 39 the 10% architectural and engineering matching funds will be reimbursed to the state following grant award; and

WHEREAS, Eastern Idaho leaders and the community have identified potential land donations in an effort to meet the state's obligation to provide land.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we endorse the need for a veterans cemetery in Eastern Idaho and that legislation should be adopted to facilitate the exchange of property and to authorize the Division of Veterans Services to accept gifts, grants, contributions and bequests, and to purchase and hold title to property on behalf of the State of Idaho.

BE IT FURTHER RESOLVED that the Legislature should act expeditiously so that no more time passes before Eastern Idaho's veterans are given the respect they are so worthy of receiving.

[SCR 148](#) and [SCR 149](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 24, 2016

The JUDICIARY AND RULES Committee reports that [SCR 147](#), [S 1350](#), [S 1351](#), [S 1352](#), and [S 1353](#) have been correctly printed.

LODGE, Chairman

[SCR 147](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

[S 1350](#) was referred to the State Affairs Committee.

[S 1351](#) and [S 1352](#) were referred to the Judiciary and Rules Committee.

[S 1353](#) was referred to the Finance Committee.

February 24, 2016

The STATE AFFAIRS Committee reports out [S 1274](#) and [S 1275](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[S 1274](#) and [S 1275](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 23, 2016

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Michael "Mike" Mark Mooney of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing February 18, 2016, and expiring June 30, 2020.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 23, 2016

Dear Mr. President:

I transmit herewith [H 454](#), [H 472](#), [H 495](#), [H 464](#), [H 458](#), [H 459](#), [H 473](#), and [HCR 35](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 454](#), [H 472](#), [H 495](#), [H 464](#), [H 458](#), [H 459](#), [H 473](#), and [HCR 35](#) were filed for first reading.

February 23, 2016

Dear Mr. President:

I transmit herewith Enrolled [H 352](#), [H 359](#), [H 360](#), and [H 376](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 352](#), [H 359](#), [H 360](#), and [H 376](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the following attaches were elected to fill the offices provided for by the *Constitution* of the State of Idaho and by statute:

Pages:
Alaire Chambers, Arco
Nellie Christensen, Burley
Anna Daley Laursen, Moscow
Zoe Esplin, Rexburg
Luke Henrie, Nampa

Kennedy Jones, Twin Falls
 Tabitha Manor, Boise
 Jaymond Richardson, Rigby
 Logan Snell, Boise
 Cardston Stanford, Sugar City

Whereupon the President instructed the Sergeant at Arms to escort the attaches to the Desk at which time the Oath of Office was administered to the elected attaches and they were escorted from the Chamber.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
 House Petitions, Resolutions, and Memorials**

S 1354

**BY STATE AFFAIRS COMMITTEE
 AN ACT**

RELATING TO ALCOHOL BEVERAGE CATERING PERMITS; AMENDING SECTION 23-902, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 23-934A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ALCOHOL BEVERAGE CATERING PERMITS; AMENDING SECTION 23-934B, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILING AND APPROVAL OF AN APPLICATION FOR AN ALCOHOL BEVERAGE CATERING PERMIT; AND AMENDING SECTION 23-217, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1355

**BY STATE AFFAIRS COMMITTEE
 AN ACT**

RELATING TO INVASIVE SPECIES; AMENDING SECTION 22-1910A, IDAHO CODE, TO CLARIFY THAT PEACE OFFICERS MAY ISSUE A CITATION FOR CERTAIN PERSONS AND TO PROVIDE THAT PEACE OFFICERS SHALL ACCOMPANY A VEHICLE TO AN INSPECTION STATION IN CERTAIN INSTANCES; AND AMENDING SECTION 22-1913, IDAHO CODE, TO REVISE PENALTIES.

S 1356

**BY STATE AFFAIRS COMMITTEE
 AN ACT**

RELATING TO ALCOHOL BEVERAGE CATERING PERMITS; AMENDING SECTION 23-1337, IDAHO CODE, TO PROVIDE THAT TWO OR MORE WINERIES MAY USE A WINERY'S LICENSED PREMISES TO HOST AN EVENT UNDER AN ALCOHOL BEVERAGE CATERING PERMIT TO SERVE AND SELL THEIR RESPECTIVE WINES AT THAT EVENT; AND DECLARING AN EMERGENCY.

S 1357

**BY STATE AFFAIRS COMMITTEE
 AN ACT**

RELATING TO BINGO AND RAFFLES; AMENDING SECTION 67-7702, IDAHO CODE, TO DEFINE A TERM, TO REVISE DEFINITIONS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7704, IDAHO CODE, TO REVISE QUALIFICATIONS FOR BINGO-RAFFLE ADVISORY BOARD MEMBERS; AMENDING SECTION 67-7705, IDAHO CODE, TO REDUCE THE MINIMUM NUMBER OF MEETINGS HELD ANNUALLY BY THE BINGO-RAFFLE ADVISORY BOARD; AMENDING

SECTION 67-7709, IDAHO CODE, TO AUTHORIZE APPROVAL OF ELECTRONIC BILL PAYMENT OF BINGO EXPENSES, TO REVISE PROVISIONS REGARDING BINGO PROCEEDS AND RECORDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7710, IDAHO CODE, TO PROVIDE CONDITIONS FOR A MISDEMEANOR COMMITTED PURSUANT TO THIS CHAPTER, TO PROVIDE DEADLINES FOR CONDUCTING RAFFLE DRAWINGS, TO DEFINE ALLOWABLE USES FOR NET PROCEEDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7711, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSE PROCEDURES, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7712, IDAHO CODE, TO REDESIGNATE THE SECTION, TO DEFINE NEW ORGANIZATIONS THAT ARE REQUIRED TO PAY A FEE AND TO REMOVE PROVISIONS PERTAINING TO THE SUSPENSION AND REVOCATION OF LICENSES; AMENDING SECTION 67-7713, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO CLARIFY THE CALCULATION OF MERCHANDISE VALUE; AMENDING CHAPTER 77, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7713A, IDAHO CODE, TO PROVIDE CONDITIONS AND PROCEDURES FOR THE SUSPENSION OR REVOCATION OF LICENSES; AND AMENDING SECTION 67-7715, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

[S 1354](#), [S 1355](#), [S 1356](#), and [S 1357](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Bair was recorded present at this order of business.

[H 454](#), by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 472](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 495](#), by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 464](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 458](#) and [H 459](#), by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

[H 473](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 35](#), by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1212](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1253](#), [S 1276](#), and [S 1277](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1240](#), [S 1241](#), [S 1242](#), [S 1278](#), and [S 1304](#), by Resources and Environment Committee, were read the second time at length and filed for third reading.

[S 1344](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1295](#) and [S 1296](#), by Health and Welfare Committee, were read the second time at length and filed for third reading.

[S 1320](#), [S 1333](#), and [S 1334](#), by Education Committee, were read the second time at length and filed for third reading.

[H 362](#), as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1285](#), as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[S 1280](#), as amended, by Education Committee, was read the second time at length and filed for third reading.

[S 1312](#), as amended, by Transportation Committee, was read the second time at length and filed for third reading.

[S 1291](#), as amended, by Education Committee, was read the second time at length and filed for third reading.

[H 377](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[S 1288](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[S 1345](#) and [S 1346](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 452](#), by Education Committee, was read the second time at length and filed for third reading.

[S 1336](#), by Education Committee, was read the second time at length and filed for third reading.

[H 474](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[S 1325](#), by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1265](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Martin arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Brackett, Buckner-Webb, Davis, Guthrie, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, McKenzie, Patrick, Schmidt, Stennett, Ward-Engelking, Winder. Total - 19.

NAYS—Anthon, Bair, Bayer, Burgoyne, Den Hartog, Hagedorn, Harris, Mortimer, Nonini, Nuxoll, Siddoway, Souza, Thayn, Vick. Total - 14.

Absent and excused—Lacey, Rice. Total - 2.

Total - 35.

Whereupon the President declared [S 1265](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1257](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 32.

NAYS—Davis, Rice. Total - 2.

Absent and excused—Lacey. Total - 1.

Total - 35.

Whereupon the President declared [S 1257](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1235](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Anthon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Lacey. Total - 1.

Total - 35.

Whereupon the President declared [S 1235](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1318](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Patrick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Brackett, Buckner-Webb, Burgoyne, Davis, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Ward-Engelking, Winder. Total - 29.

NAYS—Bayer, Den Hartog, Nonini, Nuxoll, Vick. Total - 5.

Absent and excused—Lacey. Total - 1.

Total - 35.

Whereupon the President declared [S 1318](#) passed, title was approved, and the bill ordered transmitted to the House.

Having voted on the prevailing side by which [S 1257](#) passed the Senate, Senator Brackett served notice that he may on this or the next legislative day move for reconsideration of the vote.

[S 1257](#) was ordered held at the Secretary's desk.

[S 1311](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Davis, Winder, and Stennett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Anthon, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Harris, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, McKenzie, Nonini, Nuxoll, Schmidt, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 27.

NAYS—Bair, Hagedorn, Heider, Mortimer, Patrick, Rice, Siddoway. Total - 7.

Absent and excused—Lacey. Total - 1.

Total - 35.

Whereupon the President declared [S 1311](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1281](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Harris arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—None.

Absent and excused—Lacey. Total - 1.

Total - 35.

Whereupon the President declared [S 1281](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Thursday, February 25, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary